IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 2401 of 2001

BHAGIRATH NAGAR
V/S
STATE & ANR

Mr. NK JOSHI FOR MR.SHREEDHAR PUROHIT, for the petitioner

Mrr.RR KANWAR, ADDL. G.A. for the respondent

Date of Order : 8.10.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

In this petition, the petitioner has made the following prayer-

> "In view of the aforementioned facts and grounds, it is humbly prayed that this writ petition may kindly be allowed and by an appropriate writ, direction or order, the impugned order dated 16.5.2001 (Annex.6) initiating proceedings under Rule 53(1) of Pension Rules, 1996 may kindly be quashed qua the petitioner.
> That any other appropriate writ, direction, order or relief which is found favourable to the petitioner in the facts and circumstances of this case may kindly be granted."

A look at Annex.6, being alleged impugned order, shows that it is only an internal departmental communication addressed by the Chief Engineer, IGNP, Bikaner to the Chief Engineer, IGNP, Jaisalmer, inviting attention to the communication of the Chief Engineer, Irrigation Department, Jaipur dated 14.5.01 asking to send service record along with confidential report, per special messenger.

In my view, the said communication can hardly be interfered with

by this petition under Art. 226 of the Constitution. Ofcourse, from the perusal of Annex.6, it appears that some move was afoot for effecting compulsory retirement of various persons, as shown in second page of this document Annex.6, but then at this stage, under Art. 226 of the Constitution, I am not inclined to undertake the scrutiny of the validity of move for compulsory retirement at the instance of petitioner. The writ petition is, therefore, dismissed summarily. Needless to say that if petitioner is compulsorily retired, it is obviously open for him to assail that order in accordance with law.

(N P GUPTA),J.

/Srawat/